

Ropers Majeski Kohn & Bentley
A Professional Corporation
San Francisco

1 THOMAS H. CLARKE, JR. (SBN 47592)
JOEL L. FISHMAN (SBN 74394)
2 ELISE R. VASQUEZ (SBN 201190)
ROPER, MAJESKI, KOHN & BENTLEY
3 201 Spear Street, Suite 1000
San Francisco, CA 94105-1630
4 Telephone: (415) 543-4800
Facsimile: (415) 972-6301
5 E-Mail: tclarke@ropers.com
Counsel for Plaintiffs
6 CHRISTOPHER E. WUTHMANN & ALLISON
ROCK, Husband & Wife
7

8 WILLIAM J. MCLEAN (SBN 39264)
STEPHEN C. GERRISH (SBN 61253)
9 ERIN L. MCDERMIT (SBN 241176)
Thoits, Love, Hershberger & McLean
10 245 Lyton Avenue, Suite 300
Palo Alto, CA 94301
11 Telephone: (650) 327-4200
Facsimile: (650) 325-5572
12 Counsel for Defendants
MARYAN M. ACKLEY, BRADLEY L. SMITH,
13 JOYCE J. SMITH, PACIFIC PENINSULA GROUP
and WHITEHAWK LIMITED LIABILITY CO.
14

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA

17 CHRISTOPHER E. WUTHMANN &
18 ALLISON ROCK, Husband & Wife,

19 Plaintiffs,

20 v.

21 STEPHEN M. ACKLEY & MARYAN M.
ACKLEY, husband & wife; BRADLEY L.
22 SMITH & JOYCE J. SMITH, husband &
wife; PACIFIC PENINSULA GROUP;
23 WHITEHAWK LIMITED LIABILITY
COMPANY; and DOES 1 THROUGH 100

24 Defendants.
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CASE NO. C 06-01412 TEH

**STIPULATION AND ORDER
CONTINUING THE HEARING DATE ON
DEFENDANTS' MOTION TO DISMISS
FOR FAILURE TO STATE A CLAIM
UPON WHICH RELIEF CAN BE
GRANTED, OR, IN THE ALTERNATIVE,
FOR MORE DEFINITE STATEMENT
[F.R.C.P. 12(b)(6) and 12(e)]**

Date: ~~July 3, 2006~~ July 17, 2006

Time: 10:00 a.m.

Courtroom: 12, 19th Floor

Judge: Hon. Thelton E. Henderson

1 1. At the request of plaintiffs, CHRISTOPHER E. WUTHMAN and ALLISON
2 ROCK, defendants MARYAN M. ACKLEY, BRADLEY L. SMITH, JOYCE J. SMITH,
3 PACIFIC PENINSULA GROUP AND WHITEHAWK LIMITED LIABILITY COMPANY
4 hereby stipulate to continue the June 5th hearing date for defendants' pending Motion to Dismiss
5 for Failure to State a Claim Upon Which Relief May be Granted, or, in the alternative, For More
6 Definite Statement. The purpose of the stipulation is to grant plaintiffs an additional 30 days in
7 which to evaluate and respond to defendants' motion.

8 2. Therefore, the parties stipulate that the hearing date on defendants' pending
9 motion brought pursuant to the authority of Federal Rules of Civil Procedure 12(b)(6) and 12(e) is
10 continued to ^{July 17} ~~July 5~~, 2006, at 10:00 a.m., in Courtroom 12, or as soon thereafter as the matter may
11 be heard. The parties stipulate further that the briefing schedule for defendants' motion is
12 continued in conformance with that specified in Local Rule 7-3, with plaintiffs' opposition due
13 not less than 21 days before the scheduled hearing date, and defendants' reply in support of the
14 motion due not less than 14 days before the scheduled hearing date.

15 3. The parties further stipulate that the case management conference, currently
16 scheduled for June 26, 2006, is also continued to ^{July 17} ~~July 5~~, 2006, at 10:00 a.m. in Courtroom 12.

17 4. There have been no previous time modifications in this matter. The parties do not
18 believe that, if granted, this stipulation and order will have any effect upon the schedule of this
19 matter beyond the specific motion at issue.
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1 IT IS SO STIPULATED.

2 Dated: ,May 12, 2006

ROPERS, MAJESKI, KOHN & BENTLEY

4 By: Tom J. M. for
5 THOMAS H. CLARKE, JR.
6 Attorneys for Plaintiffs
7 CHRISTOPHER E. WUTHMANN &
8 ALLISON ROCK, Husband & Wife

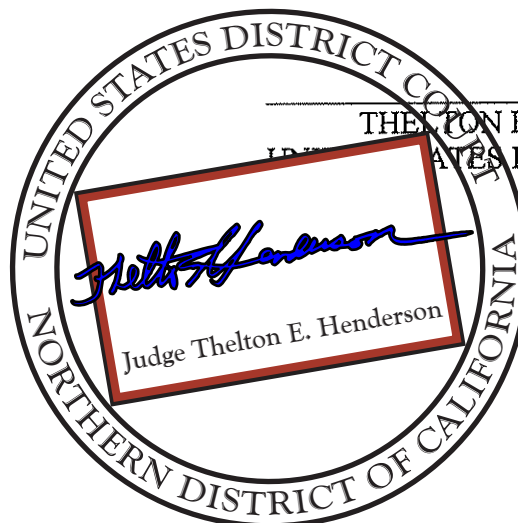
9 Dated: May _____, 2006

THOITS, LOVE, HERSHBERGER &
MCLEAN

10 By: Erin M. Deenit FOR
11 STEPHEN C. GERRISH.
12 Attorneys for Defendants
13 MARYAN M. ACKLEY, BRADLEY L.
14 SMITH, JOYCE J. SMITH, PACIFIC
15 PENINSULA GROUP and WHITEHAWK
16 LIMITED LIABILITY COMPANY

17 IT IS SO ORDERED.

18 Dated: 05/18/06



THELTON E. HENDERSON
UNITED STATES DISTRICT COURT JUDGE

STIPULATION AND ORDER CONTINUING THE
HEARING DATE AND BRIEFING SCHEDULE ON
DEFENDANTS' MOTION TO DISMISS